

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DECAPOLIS SYSTEMS, LLC,

Plaintiff,

v.

EPIC SYSTEMS CORPORATION,

Defendant.

Case No. 6:21-cv-00434-ADA

Jury Trial Demanded

**DECLARATION OF JENNIFER PETERSON IN SUPPORT OF
DEFENDANT EPIC SYSTEMS CORPORATION'S MOTION TO
DISMISS FOR IMPROPER VENUE OR TO TRANSFER VENUE
TO THE WESTERN DISTRICT OF WISCONSIN**

I, Jennifer Peterson, declare as follows:

1. I am a Human Resources Director at Epic Systems Corporation. I work for Epic in Verona, Wisconsin. I understand Epic has been named as the defendant in a lawsuit alleging patent infringement by Epic's electronic health records software and services. I submit this declaration in support of Epic's Motion to Dismiss for Improper Venue or to Transfer Venue to the Western District of Wisconsin. I have personal knowledge of the facts set forth in this declaration, and I could and would testify competently thereto under oath if called upon to do so.

2. Epic is incorporated in Wisconsin, and its principal place of business/headquarters is located in Verona, Wisconsin.

3. Epic has approximately 9425 employees in the United States, and approximately 9350 of those employees work at Epic's headquarters in Verona, Wisconsin.

4. Epic does not have, nor has it ever had, any office or place of business in Texas. Epic's only U.S. brick-and-mortar locations are in Verona, Wisconsin, and Rochester, Minnesota.

5. As a technology and software company, Epic seeks to recruit talented employees all over the country. One method Epic uses to recruit talent is through job postings on websites such as LinkedIn. In order to reach candidates in talent-rich areas such as Austin, New York City, Atlanta, and many other locations, postings mention those cities because candidates may search for jobs in those areas, but not for jobs near Madison, Wisconsin. I have reviewed the job postings provided in the Complaint filed against Epic, which mention Austin, Texas. Those jobs are not located in Austin, Texas, and instead specifically indicate that the jobs require "[r]elocation to Madison, WI area." Representative samples of such job postings are attached as Exhibit 1.

6. As of April 2021, at the time of the filing of the Complaint, Epic had five employees living in Texas. Only two of those employees live within the Western District of Texas.

7. Two Epic employees live in this District. One employee works on a temporary basis remotely from his home in Austin, Texas. He is a Project Manager, and his role includes being part of the team installing software at Epic's customers. In this role, he presents to customer leadership, coordinates end-user training, and ensures the customer is supported when it starts

using the software. As a Project Manager, this employee travels around the country to various customer sites, and is not limited to any geographic area. The Project Manager role does not require a technical degree, and does not involve any design or development of the Epic software. The other employee's family lives in Austin, but he works in Verona, Wisconsin and commutes back and forth to Austin. His job at Epic is to manage internal construction projects at Epic's headquarters.

8. Epic does not own, rent, or lease space for these employees, and does not store any inventory or other materials at these employees' residences. These employees do not have knowledge relevant to this case. Epic does not require that the employees reside in this District or in the state of Texas as a condition of performing their job duties at Epic. The employees may leave Austin at any time without Epic's approval. In fact, Epic's policy is that its employees must live within 45 minutes of Verona, Wisconsin, but Epic sometimes makes exceptions to accommodate particular employee requests.

9. Of the remaining three employees who reside in Texas, but not in this District, all temporarily work remotely from their homes in other parts of Texas. Two of those employees are Project Managers with the job responsibilities described above, and the third is an IT implementation manager. None of these employees participate in the design or development of Epic's software, or otherwise have knowledge relevant to this case.

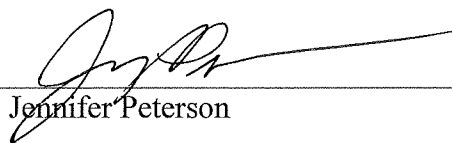
10. The design, development, and testing of Epic's software platforms occurred and continues to occur at Epic's headquarters in Verona, Wisconsin, as well as the Rochester, MN office. The employees with knowledge of all aspects of the design, development, and testing of Epic's software platforms are located in Wisconsin or Minnesota and work at Epic's headquarters. I understand that all Epic employees that may be potential witnesses in this case are located in Verona, Wisconsin. No Epic employees that have knowledge concerning this case and thus might be relevant witnesses in the case live in the Western District of Texas or anywhere else in Texas.

11. Epic's documents and records are maintained at the headquarters in Verona, Wisconsin, including business files and records pertaining to the design, development, marketing,

and technical support of Epic's software. I am not aware of any relevant physical evidence located in the Western District of Texas.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 18, 2021 at Verona, Wisconsin.



Jennifer Peterson